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| SERIAL NUMBER | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|--|-------------|----------------------|-----------------------|
| 08/532,046 | 09/21/95 | TURNER | D FISHBAR-5 |
| DAVID R J STIENNON LATHROP & CLARK P O BOX 1507 MADISON WI 53701-1507 | | | EXAMINER |
| CSM1/1206 | | | PAPER NUMBER 5 |
| | | | 3501 |
| | | | DATE MAILED: 12/06/96 |

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on Oct 2, 1996 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 3-10 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☒ Claims 1 and 2 have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 3-8 are rejected.
5. ☒ Claims 9 and 10 are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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Art Unit: 3501

IN REVIEW

The election received on October 7, 1996 has been entered. Accordingly, Group II (claims 3-10) has been elected, with claims 1 and 2 being cancelled.

PRIOR ART REJECTIONS

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3-8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Trudeau.

The Examiner would like to particularly point out Figures 1, 8 and 10 and the disclosure on column 3 - line 40 through column 6 - line 57.

^{BLE} ALLOWANCE SUBJECT MATTER

Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

CONCLUSION

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Art Unit: 3501


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The additional references show various methods for "working" steel.

Any inquiry concerning this communication should be directed to Examiner Terry Melius at telephone number (703) 308-2168. (The Examiner can normally be contacted any time Monday-Thursday.)


Melius/ph

November 27, 1996
12-5-1996


TERRY LEE MELIUS
PRIMARY EXAMINER
GROUP 350